



Virginia
Regulatory
Town Hall

Proposed Regulation Agency Background Document

Agency Name:	Department for the Blind and Vision Impaired
VAC Chapter Number:	90
Regulation Title:	Supervision of Administrative Regulations Governing Intake and Social Services
Action Title:	Repeal
Date:	January 3, 2001

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

Summary

Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The Department proposes repeal of this regulation. The existing regulation outlines the Department's internal procedures for processing individuals referred to the agency for services. The regulations also specify those circumstances in which individuals may not be referred to other services that the department provides.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

Even though the Department has the authority (confirmed by the Office of the Attorney General) to promulgate this regulation under Section 63.1-85(7) (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.1-85>) of the Code of Virginia, the Department has determined that the existing regulation describes the agency's internal referral process. The agency has further determined that this internal agency process does not require regulatory action.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The Department's internal procedures for processing individuals referred for agency services is not an activity that requires state regulation. Repeal of this regulation will not have an impact on the health, safety or welfare of citizens.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.

This regulation is being repealed because it merely describes internal agency operating procedures for receiving and processing persons referred for agency services.

Issues

Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary

advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

Repealing this regulation allows the agency to exercise flexibility in establishing internal procedures and for processing individuals referred to the agency for services. This activity does not require regulatory action and eliminating the regulation will not impede the public's access to the department's services. There are no disadvantages to the public or the Commonwealth with repeal of this regulation.

Fiscal Impact

Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.

There is no fiscal impact associated with the repeal of these regulations. Repeal of these regulations will continue the agency's current internal procedures for processing individuals referred for services.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.

The entire regulation is being repealed.

Alternatives

Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

Maintaining the regulation serves no purpose. Repealing the regulation represents the least burdensome and intrusive approach and does not impede the public's access to the agency's services.

Public Comment

Please summarize all public comment received during the NOIRA comment period and provide the agency response.

No public comments were received on the proposed repeal of this regulation.

Clarity of the Regulation

Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

N/A. This regulation is proposed for repeal.

Periodic Review

Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.

No re-evaluation schedule is established since this activity does not need to be regulated and the regulation is recommended for repeal.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Repeal of this regulation will have no impact on the institution of the family and family stability.